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TECHNOLOGY CENTER 3600

Osler, Hoskin & Harcourt LLP (BRP)  
2100-1000 DeLa Gauchetiere St. West  
Montreal, Canada H3B4W-5

In re patent of	:	
Camille Michel et al.	:	NOTIFICATION OF IMPROPER
Patent No. 6,428,371	:	PRIOR ART CITATION UNDER
Issued: August 6, 2002	:	37 CFR 1.501
For: WATERCRAFT WITH STEER-	:	
RESPONSIVE THROTTLE	:	

The prior art citation filed by a third party under 37 CFR 1.501 on October 16, 2006 is hereby acknowledged to have been received and reviewed by the Patent and Trademark Office. The requirements for a proper prior art citation under 37 CFR 1.501 are as follows:

A) prior art submitted must be limited to "written prior art consisting of patents and publications". Any submission that contains any issue not directed to patents and publications will not be entered into the file and will be returned unconsidered, despite the fact that it may also contain "properly considerable" prior art. MPEP 2205.

B) an explanation of how the person submitting the prior art considers it to be pertinent and applicable to the patent.

C) an explanation of why it is believed that the prior art has a bearing on the patentability of any claim of the patent.

D) if filed by a party other than the patent owner, an indication must be present that a copy of the submission has been served on the patent owner, or includes a duplicate copy if service on the patent owner was not possible.

The prior art submission of October 16, 2006 fails to meet the requirements of item C) above. The submission fails to explain why the prior art has a bearing on the patentability of the claims. The reason of "...each of the prior art references discloses a watercraft, a steering system, and/or a propulsion system..." is an insufficient reason. While the above statement would indicate the prior art cited is related to the subject matter of the patent claims, because there is nothing patentable about a watercraft with a steering and/or propulsion system, the statement fails to provide pertinency and applicability to the patentability of the claims. Accordingly, the submission is hereby returned to the third party as an attachment to this Notification as per the procedure outlined in MPEP 2206.

Telephone inquiries relative to this letter should be directed to Special Programs Examiner Steven N. Meyers at (571) 272-6611.



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Katherine Matecki, Acting Director  
Patent Technology Center 3600  
(571) 272-5250

SM: 10/30/06



Attachment (to the address below): Submission filed under 37 CFR 1.501 of October 16, 2006.

Cc: Alan H. Norman  
Thompson Coburn LLP  
One US Bank Plaza  
St. Louis, MO 63101

Docket No. 20277-63096



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the United States Postal Service as first-class mail in a package addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on October 12, 2006.

A handwritten signature in black ink, appearing to read "Alan H. Norman".

Alan H. Norman  
Reg. No. 32,285

In re application of: Michel et al.

Patent No. 6,428,371 B1

Issue Date: August 6, 2002

Title: *Watercraft With Steer  
Responsive Engine Speed  
Controller*

Attorney Docket No. 20277-63096

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Submission of Prior Art Under 37 CFR 1.501

Kawasaki Motors Corp., U.S.A., herewith submits in the above identified patent the prior art patents and publications listed on the accompanying PTO/SB/42 form. A copy of each of such prior art patents and publications also accompanies this submission.

Kawasaki Motors Corp., U.S.A. believes such prior art to be pertinent and applicable to the patentability of claims 1-73 of U.S. Pat. No. 6,428,371 B1. Each of such prior art references was identified via a prior art search that was conducted to identify prior art pertinent to the patentability of U.S. Pat. No. 6,428,371 B1. Additionally, each of such prior art references



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discloses a watercraft, a steering system, and/or a propulsion system, as is generally required by each of claims 1-73 of U.S. Pat. No. 6,428,371 B1. For these reasons, it is believed that each of such prior art references has a bearing on the patentability of claims 1-73 of U.S. Pat. No. 6,428,371 B1 and may have a bearing on any future amended claims thereof.

Respectfully submitted,

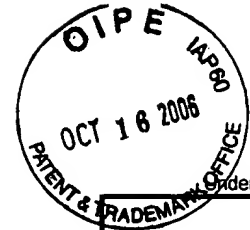
DATED: October 12, 2006

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Alan H. Norman  
Reg. No. 32,285  
Thompson Coburn LLP  
One US Bank Plaza  
St. Louis, Missouri 63101  
(314) 552-6284 (telephone)  
(314) 552-7284 (facsimile)  
ATTORNEYS FOR:  
Kawasaki Motors Corp., U.S.A.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing submission in its entirety has been mailed by first-class mail, postage paid, this 12th day of October 2006 to Osler, Hoskin & Harcourt LLP, 2100-1000 De La Gauchetiere St. West, Montreal H3B4W5, Canada (CA), the attorneys of record for this patent pursuant to 37 C.F.R. 1.33(c).



PTO/SB/42 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>37 CFR 1.501</b> <b>INFORMATION DISCLOSURE CITATION</b> <b>IN A PATENT</b> (Sheet <u>1</u> of <u>6</u> )	Docket Number (Optional) <b>20277-63096</b>	Patent Number <b>6,428,371 B1</b>
	Applicant <b>Michel</b>	
	Issue Date <b>August 6, 2002</b>	Art Unit <b>3617</b>

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1,814,772	7/14/1931	Sterling, F. W.			9/7/1927
	1,843,272	2/2/1932	Evinrude. O.			3/8/1929
	1,999,255	4/30/1935	Rank, F.			11/16/1931
	2,332,697	10/26/1943	Claytor, E. M.			6/1/1942
	2,514,467	7/11/1950	Black, L. C.			9/6/1949
	2,627,836	2/10/1953	Buske, G. E.			5/4/1951
	2,682,248	6/29/1954	Sitz, G. C.			12/27/1951
	3,002,487	10/3/1961	Didsbury, Sr., W. E.			7/20/1960
	3,056,374	10/2/1962	Linhardt. H. D.			3/26/1959
	3,114,239	12/17/1963	Aylor, W. W.			3/23/1962
	3,135,234	6/2/1964	Turnidge, L. A.			7/30/1962
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	3,795,105	3/5/1974	Aschauer			5/2/1972
	3,820,641	6/28/1974	Borst et al.			1/29/1973
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	4,051,801	10/4/1977	Woodfill et al.			6/23/1976
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	4,220,111	9/2/1980	Krautkremer et al.			4/12/1978
	4,265,192	5/5/1981	Dunn			2/5/1979
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	4,556,005	12/3/1985	Jackson			11/28/1984
	4,718,869	1/12/1988	Fisher			1/30/1987
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<b>37 CFR 1.501</b> <b>INFORMATION DISCLOSURE CITATION</b> <b>IN A PATENT</b> (Sheet <u>2</u> of <u>6</u> )	Docket Number (Optional) <b>20277-63096</b>	Patent Number <b>6,428,371 B1</b>
	Applicant <b>Michel</b>	
	Issue Date <b>August 6, 2002</b>	Art Unit <b>3617</b>

U.S. PATENT DOCUMENTS (CONTINUED)						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
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	4,836,809	6/6/1989	Pelligrino			3/11/1988
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	5,131,875	7/21/1992	Lee			10/12/1990
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	5,190,487	3/2/1993	Fukui			4/21/1992
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<b>37 CFR 1.501</b> <b>INFORMATION DISCLOSURE CITATION</b> <b>IN A PATENT</b> (Sheet <u>3</u> of <u>6</u> )	Docket Number (Optional) <b>20277-63096</b>	Patent Number <b>6,428,371 B1</b>
	Applicant <b>Michel</b>	
	Issue Date <b>August 6, 2002</b>	Art Unit <b>3617</b>

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						YES	NO
	G 8710808.9 A1	1/28/1988	Germany				X
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	DE 3726241 A1	2/16/1989	Germany				X
	DE 3936598 A1	6/27/1991	Germany				X
	DE 4020172 A1	1/24/1991	Germany				X
	DE 4028687 A1	3/12/1992	Germany				X
	DE 4033674 A1	7/4/1991	Germany				X

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<b>37 CFR 1.501</b> <b>INFORMATION DISCLOSURE CITATION</b> <b>IN A PATENT</b> (Sheet <u>4</u> of <u>6</u> )	Docket Number (Optional) <b>20277-63096</b>	Patent Number <b>6,428,371 B1</b>
	Applicant <b>Michel</b>	
	Issue Date <b>August 6, 2002</b>	Art Unit <b>3617</b>

FOREIGN PATENT DOCUMENTS (CONTINUED)							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	DE 4141491 A1	6/17/1993	Germany				X
	DE 4209393 A1	9/30/1993	Germany			X/abstract	
	DE 4402558 A1	8/3/1995	Germany				X
	DE 4433782 A1	3/28/1996	Germany				X
	DE 19711886 A1	9/24/1998	Germany				X
	DE 19747561 A1	7/23/1998	Germany				X
	DE 19831324 A1	1/20/2000	Germany				X
	DE 29815500 U1	4/8/1999	Germany				X
	DE 19840078 A1	3/16/2000	Germany				X
	EP 0304821 A1	3/1/1989	Europe			X	
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	EP 0765270 B1	4/2/1997	Europe			X	
	EP 0767752 B1	4/16/1997	Europe			X	
	EP 0778196 A1	11/06/1997	Europe			X	
	EP 0800991 A1	10/15/1997	Europe			X	

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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	EP 0832033 B1	4/1/1998	Europe			X	
	FR 2618391 A1	1/27/1989	France				X
	FR 2701004 A1	8/5/1994	France				X
	FR 2714115 A1	6/23/1995	France			X (U.S. Pat. 5586535)	
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	GB 2216479 A	10/11/1989	United Kingdom			X	
	GB 2308834 A	7/9/1997	United Kingdom			X	
	GB 2337240 A	11/17/1999	United Kingdom			X	
	HEI 3 148395	6/25/1991	Japan	Z		X	
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Page, Etc.)</b>							
		KARASUNO, et al., Ship Control Systems Proceedings Symposium, Advanced Portable Automatic Control System Under Simple Operation, pgs. 2-114-135; 10:25/29-10-1993; Ottawa: National Defense; Ottawa, CANADA					
		KÄLLSTRÖM, C. G. and THEORÉN, K., "Dynamic Compensation System." IEEE, 1994, pgs. 1093-1097.					
		BUSSEMAKER, Ir. O., "Rudderpropellers for Propulsion and Manoeuvring Systems of Minehunting Vessels." International Symposium on Mine Warfare Vessels and Systems, June 12-15, 1984, 16 pgs., London, England.					
		ANON., "Heavy Duty Propelling and Steering Device Aids in Marine Operations of Oil Industry." <i>The Petroleum Engineer</i> , May, 1946, pgs. 238-232, Vol. 17(8).					
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		BLANKE, M. (Professor)., "Search for Scientific Literature on Integrated Steering and Propulsion-with a Partial Assessment." Memorandum. August 10-21, 2006, pgs. 1-6, Denmark.					
		GRIMBLE, M. J., et al., "Integrated Ship Control Using H- Robust Design Techniques." <i>IEEE</i> , 1994, pgs. 1087-1091.					
		WO 88/08390, 3 November 1988 Int'l. Appl. No. PCT/SE88/00213					
		WO 88/09288, 1 December 1988 Int'l. Appl. No. PCT/SE88/00270					
		WO 91/08947, 27 June 1991 Int'l. Appl. No. PCT/SE90/00831					
		WO 91/09773, 11 July 1991 Int'l. Appl. No. PCT/DE90/00959					
		WO 92/06890, 30 April 1992 Int'l. Appl. No. PCT/NO91/00130					
		WO 92/07754, 14 May 1992 Int'l. Appl. No. PCT/SE91/00718					
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		WO 92/16410, 1 October 1992 Int'l. Appl. No. PCT/US92/02251					
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		WO 93/18964, 30 September 1993 Int'l. Appl. No. PCT/EP93/00642					
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